
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of the coming into force of certain provisions of the Courts Reform (Scotland) Act 2014 (“the 2014 Act”). This Order comes into force on 28th November 2016 which is the date that certain provisions of the 2014 Act come into force.

Article 2 adds the auditor of the Sheriff Appeal Court to the list of “relevant officers” in section 107(3) of the 2014 Act. This means that fees orders under section 107(1) may provide for the charging of fees by the auditor of the Sheriff Appeal Court.

Article 3 and the schedules of the Order make provision modifying primary and secondary legislation. Schedule 1 principally concerns the introduction of simple procedure under Chapter 1 of Part 3 of the 2014 Act. Article 4(1) provides that the modifications in schedule 1 do not apply to small claims.

Schedule 2 concerns the repeal of the Vexatious Actions (Scotland) Act 1898 (“the 1898 Act”) and the modifications reflect that orders under the 1898 Act will continue to apply.

Schedule 3 concerns the Sheriff Appeal Court in terms of both its criminal and civil jurisdiction and competence. Article 4(2) provides that the modifications in schedule 3 do not apply to appeals heard in forums other than the Sheriff Appeal Court by virtue of transitional provisions.

Schedule 4 concerns sheriffs, summary sheriffs and stipendiary magistrates (the office of stipendiary magistrate was abolished by virtue of section 128 of the 2014 Act on 1st April 2016).